

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:30 P.M. Present: Honorable Timothy S. Buckley, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

F034920 Monument National Bank v. Arena Football League, Inc.

Cause called and argued by Donald R. Hall, Esq., counsel for appellant and by Scott J. Russo, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, November 15, 2001 at 11:00 A.M.

F037250 People v. Mord

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037250 People v. Mord

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034214 People v. Fletcher

The judgment is affirmed. Dibiaso, J.

We concur: Ardaiz, P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F037349 McQuone v. Brown

The order declaring that respondent's proposed petition would not violate the no-contest clause is reversed in part, and affirmed in part. To the extent the third petition seeks to amend the dispositive provisions of the bypass trust, we reverse the court's ruling that this amendment would not violate the no-contest clause. In all other respects, we affirm the trial court's order declaring the proposed petition would not violate the no-contest clause. Each party shall bear her own costs on appeal. Wiseman, J.

We concur: Ardaiz, P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033899 People v. Baiza

Remanded to correct the abstract of judgment to state that the section 667.5, subdivision (b) priors were stricken at sentencing pursuant to section 1385 and to reflect 114 days of presentence credits. In all other respects the judgment is affirmed. Ardaiz, P.J.

We concur: Dibiaso, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F035430 People v. Pinchem

Count 1 is hereby reduced to a misdemeanor conviction under Penal Code section 242. Counts 2, 3 and 4 are hereby reversed. The matter is remanded to the trial court for resentencing in accordance with the views set forth above. Vartabedian, Acting P.J.

We concur: Harris, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034640 People v. Ritchie

The judgment is affirmed. Wiseman, Acting P.J.

We concur: Cornell, J.; Polley, ProTem J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F038950 Gloria C. v. The Superior Court Of Merced County; Merced County
Department Of Human Services**

The petition for extraordinary writ is dismissed. Our decision is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034810 People v. Vlasich, et al.

The judgments as to appellants Vlasich and Sprout are affirmed in all respects. As to appellant Anderton, the one-year sentence enhancement imposed pursuant to Penal Code section 667.5, subdivision (b) is stricken. In all other respects the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and forward a copy to all appropriate authorities. Harris, J.

We concur: Vartabedian, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034274 People v. Donaldson

For the reasons stated, the judgment is reversed and the matter is remanded for a new trial. Ardaiz, P.J.

We concur: Cornell, J.; Polley, ProTem J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F036418 People v. Celistino

The judgment is affirmed in part/reversed in part and remanded with directions.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034337 People v. Willis et al.

The judgments are affirmed. Buckley, Acting P.J.

We concur: Levy, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F035120 People v. Hanks

The judgment is reversed and the cause remanded to the superior court. The court is directed to vacate its order denying the motion to suppress and enter a new order granting the motion. The court is directed to vacate the guilty verdict if Hanks makes an appropriate motion within 30 days after the remittitur is issued. In that event, the superior court should reinstate the original charges and allegations contained in the information if the prosecution so moves. If Hanks does not move to vacate the guilty verdict, the trial court is directed to reinstate the original judgment. Cornell, J.

We concur: Buckley, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037575 In re Erik A., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037575 In re Erik A., a Minor

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038693 People v. Tarver

No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F039274 United Rentals v. American Motorist Insurance Co.

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F037823 Shabazz v. Registrar of Contractors State License Board et al.

No brief having been filed by appellant after notice duly given under rule 17(a) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

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F032406 **People v. Richardson et al.**
Appellant Richardson's petition for rehearing filed herein is
denied.